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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/134,272	08/14/98	WANG	Z 003239.P010

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EXAMINER

ARMSTRONG, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/134,272

Applicant(s)

WANG, ZIFEI PETER

Examiner

Angela A. Armstrong

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6, 8-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6; 20-24 is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims **12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Polcyn et al.* (US Patent No. 5,311,588) in view of *Nishiguchi et al.* (US Patent No. 5,664,052)
3. Regarding claims **12 and 13**, *Polcyn et al.* discloses a method and system for determining the progress of a calling connection by determining signal transitions from tone to silence, silence to speech, etc. In the Abstract, at col. 1, lines 59-66 continuing to col. 2, lines 1-33, col. 7, lines 49-67 continuing to col. 8, lines 1-25, col. 16, lines 20-37, and col. 16, lines 49-62 *Polcyn et al.* suggests/teaches a method of calculating a first ratio level of said audio signals and an average power level of signals (determining a peak-to-mean likelihood ratio) and comparing...ratio levels to a set of criteria to determine the line status (comparing the peak-to-mean likelihood ratio to a selected threshold to determine whether a frame represents a voice signal). At col. 2, lines 21-22 *Polcyn et al.* teach that an essential feature of the invention is determining the difference between noise and a voice.

4. *Polcyn et al.* does not disclose that the ratios used in the detection method are normalized. However, refer to *Nishiguchi et al.* who teach a method and device for discriminating voiced and unvoiced sounds in which for each block or frame for speech a normalized ratio is calculated and compared to a predetermined threshold to decide whether the frame is voiced sound, unvoiced sound or background noise (col. 7, lines 31-67 through to col. 8, lines 1-32).

5. Therefore, to the extent that *Polcyn et al.* do not normalize the peak-to-average ratios, it would have been obvious to one of ordinary skill at the time of invention to modify the system of *Polcyn et al.* normalize the peak-to-average ratios for the purpose of determining whether the frame or sound is voiced, unvoiced or background noise as taught by *Nishiguchi et al.*

6. Claims **8-11 and 14-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Polcyn et al.* (US Patent No. 5,311,588) and *Nishiguchi et al.* (US Patent No. 5,664,052) in view of *Nicholls et al.* (US Patent No. 6,223,154).

7. Regarding **8-11 and 14-18** *Polcyn et al.* and *Nishiguchi et al.* disclose everything claimed as applied to claims 12 and 13. However, the combination does not teach using short-term averaged energy, long-term averaged energy, etc., in the voice/speech detection process. However, refer to *Nicholls* who discloses a communication device capabilities which implements a voice activity detector for an audio communication system which calculates average energy values of received frames and determines if the average value exceeds a threshold and compares a staggered average energy value to a current frame energy value (col. 5, line 45-col. 6, line 65; col. 7, lines 8-36; col. 7, line 37-col. 8, line 10), for the purpose of deciding when received audio contains voice or other audio information of importance.

Therefore, to the extent that *Polcyn et al. and Nishiguchi et al.* do not implement short-term averaged energy, long-term averaged energy... in a voice/speech activity detection system, it would have been obvious to one of ordinary skill at the time of invention to modify the system of *Polcyn et al. and Nishiguchi et al.* to implement the averaged energy determinations and calculations for the purpose of providing an enhanced voice activity detection system for deciding when received audio contains voice or other audio information of importance, as taught by *Nicholls et al.*

***Allowable Subject Matter***

8. Claims 2-6 and 20-24 are allowed.

***Response to Arguments***

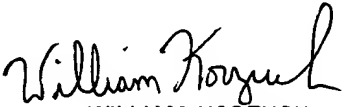
9. Applicant's arguments with respect to claims 8-18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Angela A. Armstrong** whose telephone number is **703-308-6258**. The examiner can normally be reached on Monday-Thursday 8:30-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William R. Korzuch** can be reached on **703-305-6137**. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA/aaa  
September 9, 2001

  
**WILLIAM KORZUCH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**